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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,711	07/05/2001	Dana Corbo		4051

7590 06/26/2002
STEPHEN E. FELDMAN, P.C.
12 East 41st Street
New York, NY 10017

EXAMINER


COBURN, CORBETT B

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 06/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/899,711		Applicant(s) CORBO, DANA 	
	Examiner Corbett B. Coburn		Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3714

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

2. The drawings are objected to because of the issues noted on the attached Notice of Draftsperson's Patent Drawing Review. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Art Unit: 3714

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6-9, 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Don Best Sports.

Claims 1, 6, 11, 22: Don Best Sports provides sporting event odds and information for sports books in substantially real time. The DBS2K program uses the Internet to provide real time odds and information. Don Best Sports provides a means giving an alert when a predetermined occurrence takes place in connection with the odds. (Line Move Alerts.) Don Best Sports provides a means for logging and tracking bets. (Bet Tracker) It provides a means for display of this information (i.e., computer monitor). There is a means for navigating the display in order to acquire information – see DBS Premium Service sample page. Applicant admits that Don Best Sports allows for the display of odds to be manipulated for more efficient use.

Claims 2, 23: Don Best Sports offers a Line Seeker feature that provides an alert when predetermined odds on a particular game are offered by a sports book.

Art Unit: 3714

Claims 3, 24: Don Best Sports provides a Line Move Feature that provides notification when the odds offered by a sports book change by a predetermined amount within a predetermined amount of time.

Claims 4, 9, 20, 25: The DBS Premium Service sample page shows a menu made up of various buttons and the buttons are equipped with pull down menus.

Claim 7: Don Best Sports Bet Tracker allows the user to enter a bet and bet amount and provides a means for determining whether the bet was won or lost.

Claim 8: Don Best Sports Bet Tracker calculates and logs winnings and losses.

Claim 12: The DBS Premium Service sample page shows the display of casino columns. These appear to be customizable in that the user can choose to display different casino columns.

Claim 13: The DBS Premium Service sample page shows horizontal and vertical scrolling bars.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 10, 21, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Don Best Sports as applied to claim 1, 6, 11, or 22 above, and further in view of Zinda et al. (US Patent Number 6,393,437).

Art Unit: 3714

Claims 5, 10: Don Best Sports and Internet Explorer® teach the invention substantially as claimed. According to Applicant's disclosure, Don Best Sports is written in Java and not in C++. Java and C++ are extremely well known equivalents. Zinda, a patent concerning web development techniques, teaches that either language may be used to develop web-based applications. (Col 4, 7-11) It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the C++ programming language instead of its well know equivalent Java in order to achieve the same functionality.

8. Claims 14-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Don Best Sports as applied to claim 11 above, and further in view of the Human Factors Design Guide.

Claim 14: Don Best Sports teaches the invention substantially as claimed. Don Best Sports does not, however, specifically teach a feature that turns a page every five seconds. The Human Factors Design Guide (page 8-46) states that "if automatically changing data must be read reliably and accurately, the rate of update should not be more than once per second." It would have been obvious to one of ordinary skill in the art at the time of the invention to have turned the page every five seconds in order to allow the information to be read reliably and accurately.

Claims 15 & 18: Don Best Sports teaches the invention substantially as claimed. Don Best Sports does not, however, specifically teach using a color-coded display. The Human Factors Design Guide (page 8-50) states that color-coding (including highlighting) should be used to direct a user's attention to something. It would have been

obvious to one of ordinary skill in the art at the time of the invention to have used color-coding or highlighting to direct the user's attention to the display of odds.

Claim 16: Don Best Sports teaches the invention substantially as claimed. Don Best Sports does not, however, specifically teach moving the casino column by the click and drag method. The Human Factors Design Guide (page 8-62) teaches the click and drag method of moving windows. This allows the user to take advantage of the pointing device (mouse) to move the window. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the click and drag method to move the casino columns in order to allow the user to take advantage of the pointing hardware.

Claims 17 & 19: Don Best Sports teaches the invention substantially as claimed. Don Best Sports does not, however, specifically teach resizing the casino columns to a custom setting. The Human Factors Design Guide (page 8-62) teaches allowing the user to resize windows. This allows the user to make the window the size the user prefers – including abbreviating the window to allow more windows to be displayed (i.e., more columns per page). It would have been obvious to one of ordinary skill in the art at the time of the invention to have allowed the user to resize the casino columns (including abbreviating the column to allow more columns to be displayed per page), so that the user can make the windows suit the user's preferences.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

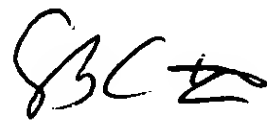
Art Unit: 3714

Reference Name	US Patent Number	Applicability
LaDue	5,999,808	Real time display of odds, bet placement & tracking, screen display and navigation
Holte	5,713,793	Real time display of odds, bet placement and tracking
Toy	4,554,418	Monitor information and notify user of changes or when price reaches certain figure.
Hunt et al.	5,893,091	Monitor odds & notify user of changes or when price reaches certain figure. Can place bets automatically
Slater	5,613,912	Bet tracking & accounting

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary Examiner, Jessica Harrison can be reached on (703) 308-2217. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


cbc
June 18, 2002


JESSICA HARRISON
PRIMARY EXAMINER